

JIM THORPE BOROUGH COUNCIL MEETING
March 9, 2023
MINUTES

Meeting called to order at 6:31 p.m. by President Strubinger with the pledge of allegiance and a moment of silence for the armed forces, first responders, and their families.

Roll Call of Members

Gregory Strubinger	Joanne Klitsch	Jay Miller
Michael Yeastedt-absent	Bob Schaninger	Jessica Crowley
Michael Rivkin	Solicitor Nanovic	Mayor Sofranko
Police Chief Schatz	Borough Manager Sterner	Secretary Brooke Klotz
Borough Engineer		

Mayor's Report

Mayor Sofranko asked if anyone had any questions about the police report.

He asked that motorists slow down. The weather is starting to get warmer and the kids are outside playing more. Police will be enforcing this.

The Carbon County Mayor's Association had a meeting on Tuesday. The top of their discussion list was drug use and blight. Vandalism is on the rise. If seen, please report it.

The Borough hired two new officers. One is to replace an officer who resigned and went to the state police. The second was budgeted for in 2023. There is currently one part-time police officer filling in the gaps. Mayor Sofranko then swore in Chris Conarty and Dan Long. Greg Strubinger thanked the Civil Service Commission for their help.

Mayor Sofranko and Borough Council received an email from Carbon County Commissioner Nothstein informing them of the County purchasing the 45 acre-lot from the Kanicks. Mayor Sofranko said Council knows where he stands about the proposed zoning ordinance amendment and it's time to put this subject to bed. Greg Strubinger said now that the County will be owning the property, it comes off of the Borough's tax roles.

Announcements

The Water Department held executive session on February 17th for personnel.

2023 Pick Up the Poconos will be on Saturday, April 23rd and Saturday, September 22nd.

Tire and Electronics Recycling will be on Saturday, May 20th from 7 a.m. until 11 a.m. Borough residents should get here no later than 10:45 a.m. Thank you to Connor Rogers for his help with this program over the years.

The Borough was awarded the 2023 Bare Roots Grant. 15 trees will be going into Twining Park. This is not part of the Front Street project.

CDBG Funds for the 2022 fiscal year will be reallocated from the Memorial Park Project to a Housing Rehab Project. The total is \$82,137.00.

The black fiberglass poles will be installed by PP&L on West Broadway. The project will go through next week due to PP&L sending workers down to Kentucky.

Public Comment

Brandon Fogel – He was there on behalf of Save Carbon County to speak out against the proposed zoning ordinance amendment in the Special District. He explained that septic tanks fail in wetland areas. He said he keeps hearing from Council that property owners have the right to develop their property, but not if the law isn't changed. 87% of Carbon County voters voted in favor of preserving the County's natural water resources. He asked that Council vote no.

MOTION by Jay Miller, second by Bob Schaninger to **not change the zoning ordinance for on-lot sewage in the Special District.** Greg Strubinger explained that Council has heard from many people regarding this issue and that they are taking this very seriously. With the County buying this property from the Kanicks, it will preserve the land by Mauch Chunk Lake. He also explained that the County is currently replacing a septic tank by Boat Launch B currently. He wishes for Council to be united on this topic. Mayor Sofranko explained the County bought the larger of the two parcels Kanick owns; Kanick kept the smaller lot. There was a roll call vote:

Michael Rivkin – yes
Jessica Crowley – yes
Bob Schaninger – yes
Jay Miller – yes
Joanne Klitsch – yes
Greg Strubinger – yes

Motion carries 6-0. John McGuire thanked Borough Council for voting against the zoning ordinance amendment. This is good for the community. Joanne Klitsch thanked Council for their vote. Bob Schaninger thanked Save Carbon County.

Ed Hawk – He thanked Borough Council for voting against the zoning ordinance amendment and addressing the importance of maintaining the safety and protection of the Mauch Chunk watershed.

AJ Patrucci – He submitted a request for action back in September about abandoned vehicles. These vehicles are parked along the roads, sidewalks, and in people's yards. He asked about the status of this because it doesn't look like much has been done. Chief Schatz explained that the vehicles that were on the roads have been addressed, but the vehicles on people's property, the Zoning Officer would have to handle.

John McGuire – He was there on behalf of Planning Commission. He claimed that Planning Commission was missing information about the Canyon Rim Estates subdivision plans. He said Planning Commission didn't know about the low-pressure sewer system plans. He claims there is lack of communication. He also addressed the Zoning Ordinances. He asked why spend revising the ordinances if it's not going to be enforced. He plans on submitted items of issues that need to be fixed. He thanked Solicitor Nanovic for what he has done for the Borough.

Steve Ambrose – He said the Censuring of Councilmember Crowley was embarrassing for the Borough. He wants to see Borough Council work together and respect one another. He understands that Council puts in a lot of time and thanked them for their commitment to the Borough. He then asked if the Kanick bought the entire Kanick property. The County just bought the larger of the two parcels. He recommended Council make a Resolution to preserve the property. Jessica Crowley thanked him and the rest of the community for their support.

Mark Reitz – He expressed concerns about people parking on the sidewalks along North Street. He explained that this is happening on the 500 block by his property. He is afraid of a car running over and breaking the water riser. Jay Miller recommended he have someone turn the riser down to grade level. Chief Schatz said that this issue is being addressed. He explained people are doing it so they don't get side swiped.

Joan Morykin – She thanked Borough Council for their unanimous vote against the zoning ordinance amendment. She asked about the next steps for permit parking since Council received the feedback from residents and business owners. Bob Schaninger said the administration committee will get together to discuss this. A work session meeting is scheduled for Tuesday, March 14, 2023.

Victor Stabin – He thanked Council for their decision on the zoning ordinance amendment. He has concerns about the permit parking. He said there are 40 empty spots on upper West Broadway. This sends a negative message to the businesses.

Betty Lou McBride – She thanked Council for their vote on the zoning ordinance amendment. She said there are no sidewalks at the new St. Luke's building. The parking spots go all the way to the curb. This makes pedestrians have to walk out onto North Street. She asked why. This is not a land development project, just a building project. She also expressed the need for enforcement within the Borough. It shouldn't be complaint based anymore. Michael Rivkin explained that she is not wrong or alone. The town isn't what it was 30 to 40 years ago. The residents need to support the Borough if they truly want enforcement.

Louis Hall – He asked if a change of use was submitted for the old Foster Kmetz building. Manager Sterner explained that change of use is a zoning topic, not a land development plan which is why it did not go in front of Planning Commission.

Donna Donati -- She said the reason for the vandalism increase is because there is no place for the kids to play. Teenagers are bored. She said there is no fire whistle anymore on the East side and it's needed. More needs to be done for public safety. Mayor Sofranko explained the siren is no longer in service and the cost of fixing is not justifiable. Jay Miller said the siren is how the Fire Department was called for a fire, now they use pagers. He said the biggest concern for public safety is the lack of volunteer fire fighters and asked for people to join the fire department. He explained that if there aren't enough volunteer fire fighters, eventually it would come to a point when the fire department would have to be paid for which comes out of the resident's taxes. Mayor Sofranko said he agrees there needs to be more things to do for the kids, but it doesn't give them the right to vandalize because they are bored.

Public Hearing

There will be a Short-Term Rental Permit Application Appeal Hearing for 1112 Broadview Drive on April 13, 2023.

SALDO (Subdivision and Land Development Ordinance)

Canyon Rim Estates-Residential, Short-Term Rental, Agritourism & Rustic Camping Preliminary Subdivision Plans dated November 18, 2022 (revised March 7, 2023) – Jake Arner, Bill Erdman (his engineer), and James Katz (his attorney) were present for preliminary plan consideration. Bill Erdman explained that the concerns from last week's meeting were addressed; the lot line adjustment area tabulation was corrected and the agritourism section was addressed. Joanne Klitsch said currently he is approved for six tents, but the preliminary plans presented, there is 149 tent sites. Will any trees be removed from the area to accommodate them? No trees will

be cut down for that. She then said with the plans presented, there are over 300 lots, which would amount to a lot of short-term rentals. It was explained that short-term rentals would only be allowed in the Special District portion of the subdivision plans. Ultimately, it's up to the buyer of the lot. Should they choose to use the home they plan on building for a short-term rental, the property owner would have to go to the Borough and apply for a variance to be approved for a short-term rental. Jake Arner explained this project brings invest and tax money to the Borough. Solicitor Nanovic recommended that if Council wishes to approve the preliminary plans, they should grant conditional preliminary approval based upon the following eight items:

1. The Engineer's letter dated February 22, 2023.
2. The County Planning Commission review letter dated December 20, 2022; except for comment 2 and page 4 which states "Plan notes should be added to the plan stating 'no RV parking is permitted on any Canyon Rim Estates residential lot.'" That comment will not be a condition to this approval.
3. Any Borough Planning Commission comments.
4. The plans are subject to the 2006 stipulation and settlement agreement.
5. The approval does not guarantee connection to public sewer and/or public water.
6. Borough Council approve the revised phasing schedule. There are four phases. Phase 1 will be completed by March 1, 2030. Phase 2 will be completed by March 1, 2035. Phase 3 will be completed by March 1, 2040. Phase 4 will be completed by March 1, 2045.
7. The protection of the development plans under Section 508 of the MPC concerning changes to ordinances would apply as per that section.
8. The approval is not granting zoning approval. That is, importantly, part of the plans show Agritourism. Agritourism is a permitted use in this zone. Campgrounds are not a permitted use in this zone. We are not approving the campgrounds or any campsite. That would be subject to zoning approval whenever the developer brings in plans or advises the zoning officer as to what are his intentions.

Michael Rivkin asked if the plans were to get approved tonight, what would the next steps be. Solicitor Nanovic explained the eight items would have to be addressed. Once that's done, then the Borough Engineer reviews the plans to verify the conditions have been meet. From there, Jake Arner would then submit final plans.

MOTION by Jay Miller, second by Bob Schaninger to **grant conditional preliminary approval for the Canyon Rim Estates-Residential, Short-Term Rental, Agritourism & Rustic Camping Preliminary Subdivision Plans dated November 18, 2022 (revised March 7, 2023) based upon the following eight items:**

1. **The Engineer's letter dated February 22, 2023.**
2. **The County Planning Commission review letter dated December 20, 2022; except for comment 2 and page 4 which states "Plan notes should be added to the plan stating 'no RV parking is permitted on any Canyon Rim Estates residential lot.'" That comment will not be a condition to this approval.**
3. **Any Borough Planning Commission comments.**
4. **The plans are subject to the 2006 stipulation and settlement agreement.**
5. **The approval does not guarantee connection to public sewer and/or public water.**
6. **Borough Council approve the revised phasing schedule. There are four phases. Phase 1 will be completed by March 1, 2030. Phase 2 will be completed by March 1, 2035. Phase 3 will be completed by March 1, 2040. Phase 4 will be completed by March 1, 2045.**
7. **The protection of the development plans under Section 508 of the MPC concerning changes to ordinances would apply as per that section.**

8. **The approval is not granting zoning approval. That is, importantly, part of the plans show Agritourism. Agritourism is a permitted use in this zone. Campgrounds are not a permitted use in this zone. We are not approving the campgrounds or any campsite. That would be subject to zoning approval whenever the developer brings in plans or advises the zoning officer as to what are his intentions.**

There was a roll call vote:

Michael Rivkin- yes
Jessica Crowley- yes
Bob Schaninger-yes
Jay Miller- yes
Joanne Klitsch- yes
Greg Strubinger- yes

Motion carries 6-0.

Michael F Hyska Minor Subdivision Final Plans dated February 13, 2023

MOTION by Jay Miller, second by Bob Schaninger to **approve waiver request for SALDO 390-20.B.6-topographical contours are to be shown at 2-foot intervals, waiver request for SALDO 390-20.B.11-location map should be at a scale no larger than 800 feet to the inch, and waiver request for SALDO 390-21.B.1-final plans should be drawn to a scale no more than 1"=50'**. There were no comments. Motion carries 5-0-1, with Jessica Crowley being out of the room.

MOTION by Jay Miller, second by Bob Schaninger to **approve the sewage planning module conditioned upon zoning and planning commission approval.** There were no comments. Motion carries 5-0-1, with Jessica Crowley being out of the room.

MOTION by Jay Miller, second by Bob Schaninger to **approve the Michael F. Hyska Minor Subdivision Final Plans dated February 13, 2023 conditioned upon zoning and planning commission approval of the sewage planning module, all granted SALDO waivers to be listed on the plans with the approval date, and final plans are to be signed and notarized.** There were no comments. Motion carries 5-0-1, with Jessica Crowley being out of the room.

Kanick Preliminary Major Subdivision Plans dated November 1, 2019

MOTION by Greg Strubinger, second by Jay Miller to **accept the Kanick Preliminary Major Subdivision Plans dated November 1, 2019 time extension waiver to May 31, 2023.**

Council is concerned about accepting it since they voted against the proposed zoning ordinance amendment for sewage in the Special District. Solicitor Nanovic explained that the Kanick's have not withdrawn their plans and that there might be a chance that the sale of the land to the County fall through. If denied, Council would have to state which SALDO ordinance the plans violate.

Motion carries 4-1-1, with Bob Schaninger opposed and Jessica Crowley being out of the room.

Action

MOTION by Jay Miller, second by Bob Schaninger to **approve Council Meeting Minutes from February 2, 2023.** There were no comments. Motion carries 5-0-1, with Jessica Crowley being out of the room.

MOTION by Jay Miller, second by Bob Schaninger to **approve Council Meeting Minutes from February 9, 2023**. There were no comments. Motion carries 5-0-1, with Jessica Crowley being out of the room.

MOTION by Joanne Klitsch, second by Bob Schaninger to **approve Expenditures from all funds as presented**. The bill in question last week was addressed. It was foam that was delivered, not disinfectant. Motion carries 5-0-1, with Jessica Crowley being out of the room.

MOTION by Jay Miller, second by Bob Schaninger to **approve the Treasurer's report**. There were no comments. Motion carries 5-0-1, with Jessica Crowley being out of the room.

MOTION by Jay Miller, second by Bob Schaninger to **adopt Ordinance 2023-01 – Vehicle and Traffic Amendment: Portion of Chestnut Avenue No Parking**. The no parking would be from Center Avenue 145 feet to the intersection of School Alley. Motion carries 5-0-1, with Jessica Crowley being out of the room.

MOTION by Jay Miller, second by Bob Schaninger to **approve Resolution 2023-03 – Land Application of Sewage Sludge in the Borough**. Solicitor Nanovic explained that this Resolution is just asking State Representatives for local municipalities to have more control over it, as they have limited control now. Motion carries 5-0-1, with Jessica Crowley being out of the room.

MOTION by Jay Miller, second by Joanne Klitsch to **approve the DCED-MAP time extension**. The Borough partnered with Summit Hill Borough for a grant from PA-DCED for both municipalities updating their Zoning Ordinance, MAP, and SALDO Ordinances. Both municipalities have not completed the updates and are asking for an extension until June 30, 2024. Motion carries 5-0-1, with Jessica Crowley being out of the room.

MOTION by Jay Miller, second by Joanne Klitsch to **approve DCED-Blight time extension**. The Borough partnered with Lehigh and Palmerton Boroughs for a grant from PA-DCED for all three municipalities. This grant is for the remediation of blighted properties. The projects in Lehigh and Palmerton have been completed, but the project in Jim Thorpe has not been due to cost estimates for the property and the other part of the duplex. Motion carries 5-0-1, with Jessica Crowley being out of the room.

MOTION by Jay Miller, second by Joanne Klitsch to **approve the removal of deceased individuals from the Occupational and Per Capita Tax Roll**. There is a list of 15 deceased individuals and the dates range from 2014 through 2021. Motion carries 5-0-1, with Jessica Crowley being out of the room.

MOTION by Jay Miller, second by Bob Schaninger to **approve the 2023 Chemical Bid Specs for advertising**. The bid specs would be for both the Water and Sewer departments. Motion carries 5-0-1, with Jessica Crowley being out of the room.

MOTION by Jay Miller, second by Bob Schaninger to **approve the 2023 Road paving bids – ratify addition of roads and due March 31, 2023**. The additional roads include a portion of Center Street and Main Street. Motion carries 5-0-1, with Jessica Crowley being out of the room.

MOTION by Joanne Klitsch, second by Jay Miller to **approve the Barry Isett proposal for Memorial Park Construction Phase II**. This would combine the construction work of Phases I

and II. This would save the Borough an estimated \$17,700.00. The money that is being saved by combining these projects can be used for new electric and lighting along the paths. Motion carries 5-0-1, with Jessica Crowley being out of the room.

MOTION by Jay Miller, second by Joanne Klitsch to **approve the Spillman Farmer Addendum for Memorial Hall at an additional amount of \$4,400.00 and for the New Public Works Building at an additional amount of \$16,995.00.** This is extra expenses for electrical fencing and architectural work. Motion carries 6-0.

MOTION by Joanne Klitsch, second by Bob Schaninger to **approve Entech Engineering EWO: NPDES Permit Renewal-Minor Sewage Facility.** The cost is \$5,900.00. Motion carries 6-0.

MOTION by Jay Miller, second by Joanne Klitsch to **approve the purchase of a Submersible Mixer for the Waste Water Treatment Plant.** The total is \$8,800.29. Motion carries 6-0.

MOTION by Jay Miller, second by Joanne Klitsch to **approve the purchase of a Sludge Pump for the Waste Water Treatment Plant.** The total is \$20,119.50 and was budgeted for. Motion carries 6-0.

MOTION by Joanne Klitsch, second by Jay Miller to **approve the purchase of a Pump Rebuild for pump #2 for the Water Treatment Plant.** The total is \$28,950.00. Motion carries 6-0.

MOTION by Joanne Klitsch, second by Bob Schaninger to **allow the purchase of old cell phones for \$50.00 by Borough employees.** The remaining phones not purchased will be donated. Motion carries 6-0.

MOTION by Jay Miller, second by Joanne Klitsch to **approve the sale of Police and Public Service Items.** Greg Strubinger said the street signs are old and unique and that the Borough should keep them. He said he would like to look at the items before approving. Jay Miller suggested they be displayed at the Borough Office or Memorial Hall once the renovations are completed. Motion carries 6-0.

MOTION by Jay Miller, second by Bob Schaninger to **approve the pay adjustment to the Water Department Supervisor as was discussed in executive session.** There were no comments. Motion carries 6-0.

MOTION by Jay Miller, second by Michael Rivkin to **approve the Water Committee set up interviews with the applicants on file for the Public Service Water Division Employment.** There were no comments. Motion carries 6-0.

MOTION by Joanne Klitsch, second by Michael Rivkin to **appoint Bob Schaninger to the Shade Tree Committee.** Jessica Crowley said she would be abstaining from the appointment votes. Greg Strubinger asked her why she was. She said because they were the committees she was removed from. Motion carries 5-0-1, with Jessica Crowley abstaining.

MOTION by Jay Miller, second by Joanne Klitsch to **appoint Street Supervisor Mike Schoch to the Silk Mill Restoration Committee-Borough Seat.** There were no comments. Motion carries 5-0-1, with Jessica Crowley abstaining.

MOTION by Joanne Klitsch, second by Jay Miller to **appoint Bob Schaninger as the Library Representative**. There were no comments. Motion carries 5-0-1, with Jessica Crowley abstaining.

MOTION by Joanne Klitsch, second by Jay Miller to **accept Kurt Jackson's resignation from the Zoning Hearing Board**. Bob Schaninger asked if Council can appoint someone after accepting the resignation. It was determined that Council could. Motion carries 6-0.

MOTION by Bob Schaninger, second by Michael Rivkin to **appoint Andrew Roberts from Zoning Hearing Board Alternate to a regular Zoning Hearing Board seat**. Andrew was asked if he would like to do this and he said that he would. There was a roll call vote:

Michael Rivkin: yes
Jessica Crowley: yes
Bob Schaninger: yes
Jay Miller: no
Joanne Klitsch: no
Greg Strubinger: yes

Motion carries 4-2.

Council decided to nominate individuals for the Zoning Hearing Board Alternate seat from the letters that were submitted last month. Bob Schaninger nominated Peter McGuire. Greg Strubinger nominated Larry Cinicola. Michael Rivkin nominated Ken Hoffman.

A roll call vote was taken for Peter McGuire:

Michael Rivkin: no
Jessica Crowley: yes
Bob Schaninger: yes
Jay Miller: no
Joanne Klitsch: yes
Greg Strubinger: no

There was a tie, 3-3.

A roll call vote was taken for Larry Cinicola:

Michael Rivkin: no
Jessica Crowley: no
Bob Schaninger: no
Jay Miller: yes
Joanne Klitsch: yes
Greg Strubinger: yes

There was a tie, 3-3.

A roll call vote was taken for Ken Hoffman:

Michael Rivkin: yes
Jessica Crowley: no

Bob Schaninger: no
Jay Miller: no
Joanne Klitsch: no
Greg Strubinger: no

Motion fails, 1-5.

There was a roll call vote for Peter McGuire:

Michael Rivkin: yes
Jessica Crowley: yes
Bob Schaninger: yes
Jay Miller: no
Joanne Klitsch: no
Greg Strubinger: no

There was a tie, 3-3.

A roll call vote was taken for Larry Cinicola:

Michael Rivkin: no
Jessica Crowley: no
Bob Schaninger: yes
Jay Miller: yes
Joanne Klitsch: yes
Greg Strubinger: yes

Motion carries 4-2.

MOTION by Jay Miller, second by Bob Schaninger to **recognize the Regional Blight Taskforce, allow for the Borough's Code Official to attend a future meeting of the Regional Blight Taskforce with pay, and for the Regional Blight Taskforce to use Memorial Hall on April 3, 2023 for a meeting.** There were no comments. Motion carries 6-0

MOTION by Jay Miller, second by Michael Rivkin to **approve the Jim Thorpe Summer League to use Memorial Park.** The Summer league requested to use the basketball courts on Mondays and Thursdays from June 13, 2023 to August 18, 2023 from 5:00 p.m. to 10:00 p.m. Their rain make-up days would be Sundays. They would need to submit proof of insurance before using the courts. Motion carries 6-0.

MOTION by Jay Miller, second by Bob Schaninger to **approve the Utility Rate Changes for Account #2100.** There were no comments. Motion carries 6-0.

MOTION by Joanne Klitsch, second by Jay Miller to **approve a payment plan for Account #4540.** There were no comments. Motion carries 6-0.

Exoneration Request

MOTION by Jay Miller, second by Bob Schaninger to **approve the monthly Exoneration Report.** There were no comments. Motion carries 6-0.

Committees

Administration

Permit Parking- Bob Schaninger said he would like to set up a meeting with the administration committee, Chief Schatz, and Borough residents. Any ideas presented, he would like to bring back to Council. It was determined that a public Work Session meeting would be held on Tuesday, March 14th at 4:00 p.m.

Public Service (sewer/Sanitation/Water/Streets)

Bob Schaninger said when the lines got painted downtown, additional spots were made, so the Borough made money. PP&L was contacted to put in a light for safety purposes for the Movie Hill parking lot. PP&L lied about the West Broadway poles, there is no shortage issue. He contacted another electric service company and they would have had no problem getting the Victorian style lights that the Borough requested.

Jay Miller said he had a meeting with the water department about getting any remaining lead water lines replaced in the Borough. He said he appreciates the approval for purchasing the pumps. Since the Council decided to move ahead with the Blight issue, he would like to get a date set up soon with the Borough's Code Official to attend a meeting.

Emergency Services

Jay Miller said the two new pumpers are still scheduled for a June arrival.

Old Business

None

Executive Session

MOTION by Jay Miller, second by Bob Schaninger to **move into executive session for personnel, litigation, and real estate**. There were no comments. Motion carries 5-0, with Joanne Klitsch being out of the room. The meeting paused at 9:10 p.m.

MOTION by Bob Schaninger, second by Michael Rivkin to **resume the meeting**. There were no comments. Motion carries 6-0. The meeting resumed at 9:59 p.m.

Adjourn

MOTION by Bob Schaninger, second by Jessica Crowley to **adjourn the meeting**. There were no comments. Motion carries 6-0. The meeting ended at 10:00 p.m.

Respectfully submitted,

Brooke Klotz
Borough Secretary